

IAP7 Rec'd PCT/PTO 12 SEP 2006

Customer Number 22,852
Attorney Docket No. 05788.0337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Antonio ZAPO et al.

Application No.: **10/518,352**

Filed: **December 17, 2004**

National Stage of International Application No.
PCT/EP2002/007107 under 35 U.S.C. 371, for
POLYIMIDE OPTICAL WAVEGUIDES AND
METHOD FOR THE PREPARATION
THEREOF

Group Art Unit: **Not Yet Assigned**

Examiner: **Not Yet Assigned**

RECEIVED

18 SEP 2006

Legal Staff
International Division

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER M.P.E.P. 711.03(c)(I)(B)

Applicants respectfully request withdrawal of the holding of abandonment under M.P.E.P. 711.03(c)(I)(B) in the above-identified patent application on the basis that there is no abandonment in fact.

The applicants are in receipt of a Notification of Abandonment dated August 3, 2006. The notification states that applicants failed to respond to the notification of Missing Requirements mailed June 13, 2005 within the time period set therein.

Applicants respectfully submit that the declaration of the inventors identifying the application by international application number and international filing date and a surcharge fee of \$130.00 were timely filed on August 15, 2005.

Best Available Copy

Under the Notification, applicants were given two (2) months from the date of the notice to file the declaration of the inventors. Thus, the due date for filing the declaration as set in the notice was August 13, 2005. Since August 13, 2005, was a Saturday, the due date was August 15, 2005.

On August 15, 2005, applicants filed a declaration of the inventors properly identifying the international application and the surcharge fee of \$130.00 for filing the declaration later than 30 months. A copy of the stamped receipt card from OIPE showing the filing of the foregoing fee and document on August 15, 2005, is enclosed. A copy of the declaration and power of attorney filed on August 15, 2005, is also enclosed.


In view of the foregoing, it is respectfully requested that applicants met the requirements of 35 U.S.C. 371 and 37 C.F.R. 1.495 and that the Notification of Abandonment be withdrawn.

If there is any fee due in association with this request you are authorized to charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 12, 2006

By: 
Ernest F. Chapman
Reg. No. 25,961

EFC/FPD/sci



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/518,352	Antonio Zaopo	05788.0337

INTERNATIONAL APPLICATION NO.	
PCT/EP02/07107	
I.A. FILING DATE	PRIORITY DATE
06/27/2002	

22852
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
 LLP
 901 NEW YORK AVENUE, NW
 WASHINGTON, DC 20001-4413

CONFIRMATION NO. 8037

371
 ABANDONMENT/TERMINATION
 LETTER

OC000000019867537

Date Mailed: 08/03/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 06/13/2005 within the time period set therein.

RECEIVED

AUG 07 2006

Finnegan, Henderson, Farabow,
 Garrett & Dunner, L.L.P.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

PETITION DWE
 02/01

RTK
 AUG 08 2006

07/06
 XJ

AJS USD

15

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

National Stage of International Application No. **PCT/EP2002/007107** under 35 U.S.C. 371, for **POLYIMIDE OPTICAL WAVEGUIDES AND METHOD FOR THE PREPARATION THEREOF**

Inventors: 1) Antonio ZAOPO, 2) Yuri A. DUBITSKY, and 3) Marco COLOMBO

Application No.: **10/518,352**

Filed: **December 17, 2004**

MAIL STOP PCT

1. Check in the amount of \$130.00
2. Transmittal Letter concerning a filing under 35 U.S.C. 371. (Duplicate)
3. Copy of Notification of Missing Requirements
4. Declaration and Power of Attorney

Dated: **August 15, 2005**

Docket No.: **05788.0337**

CUSTOMER NUMBER: **22,852**

AJS/FPD/sci - Mail Drop 610A

(Due Date: **August 13, 2005**)



dh7
npl
8/16/05

Ⓢ
8/16/05

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

POLYIMIDE OPTICAL WAVEGUIDES AND METHOD FOR THE PREPARATION THEREOF

the specification of which

☐ is attached and/or

☒ was filed on December 17, 2004 as United States Application Serial No. 10/518,352 and was amended on December 17, 2004 and/or

☒ was filed on June 27, 2002 as PCT International Application No. PCT/EP2002/007107 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Date of Filing	Priority Claimed Under 35 U.S.C. 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

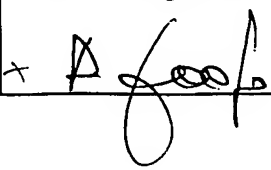
Application Number	Date of Filing	Status (Patented, Pending, Abandoned)

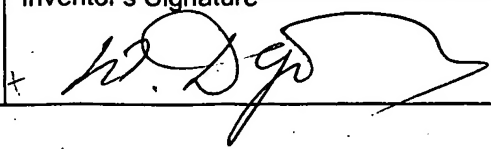
I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

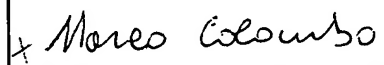
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER: 22,852.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Full Name of First Inventor Antonio ZAOPO	Inventor's Signature 	Date February 11, 2005
Residence Milano, Italy	Citizenship Italy	
Post Office Address Via Ciceri Visconti, 10 20137 Milano, Italy		

Full Name of Second Inventor Yuri A. DUBITSKY	Inventor's Signature 	Date February 11, 2005
Residence Milano, Italy	Citizenship Italy	
Post Office Address Via Valassina, 45 20159 Milano, Italy		

Full Name of Third Inventor Marco COLOMBO	Inventor's Signature 	Date February 11, 2005
Residence Cantu' (CO), Italy	Citizenship Italy	
Post Office Address Via Maddalena, 26 22063 Cantu' (CO), Italy		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/518,352	Antonio Zaopo	05788.0337

INTERNATIONAL APPLICATION NO.
PCT/EP02/07107

IA. FILING DATE	PRIORITY DATE
06/27/2002	

22852
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
 LLP
 901 NEW YORK AVENUE, NW
 WASHINGTON, DC 20001-4413

CONFIRMATION NO. 8037
 371 FORMALITIES LETTER
 OC000000016246022
 OC000000016246022

JUL 1 0 1 0 5

FILED IN THE OFFICE OF THE
 COMMISSIONER OF PATENTS AND TRADEMARKS

Date Mailed: 06/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/17/2004
- Copy of the International Search Report filed on 12/17/2004
- Preliminary Amendments filed on 12/17/2004
- Information Disclosure Statements filed on 12/17/2004
- U.S. Basic National Fees filed on 12/17/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,352	PCT/EP02/07107	05788.0337

FORM PCT/DO/EO/905 (371 Formalities Notice)

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